

PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a Precision Tune "Service Garage" (Section 230.13).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: S & S Automotive, Marty Schwartz
(Type or Print Name)
Signature: *Marty Schwartz*
Address: 7425 Harford Road
City and State: Baltimore, Maryland 21214

Legal Owner(s): PAUL GOODMAN
(Type or Print Name)
Signature: *Paul Goodman*
Address: Suite 100, One Village Sq.
City and State: Baltimore, MD 21210

Attorney for Petitioner: C. Michael Magruder
(Type or Print Name)
Signature: *C. Michael Magruder*
Address: Suite 204A, 22 W. Pennsylvania Avenue
City and State: Towson, MD 21204

Attorney's Telephone No.: 583-2320

ORDERED By The Zoning Commissioner of Baltimore County, this 19th day of November, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 19th day of January, 1989, at 9:00 o'clock A.M.

ESTIMATED LENGTH OF HEARING: 45 MIN.
ALL OTHERS: NONE
REVISED BY: WC DATE: 8-25-87

Notice of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204, on the 19th day of January, 1989, at 9:00 A.M. The purpose of the hearing is to consider the Petition for Special Exception for a Precision Tune "Service Garage" (Section 230.13) filed by Paul Goodman - Petitioner, Case No. 88-251-X.

The Times

Middle River, Md., Dec 17, 87
This is to certify, That the annexed Petition, was inserted in The Times, a newspaper printed and published in Baltimore County, once in each of one successive weeks before the 19th day of January, 1989.

RE: PETITION FOR SPECIAL EXCEPTION
S/S Eastern Boulevard, 130' W of c/l of Marlyn Avenue (629 Eastern Boulevard) 15th Election District 5th Councilmanic District
Paul Goodman Petitioner

AMENDED ORDER

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of February, 1988 that the Order in this matter dated February 10, 1988 be and the same is hereby amended to revise Restriction No. 3 to read as follows:

"3) Petitioner shall provide necessary landscaping for the subject property in accordance with the "Landscaping Plan" which was submitted to this Office on February 22, 1988 and has been made a part hereof."

IT IS FURTHER ORDERED that all other provisions and restrictions of the February 10, 1988 Order shall remain in full force and effect.

J. Robert Haines
Zoning Commissioner of Baltimore County

JRH:bjs
cc: C. Michael Magruder, Esquire
22 W. Pennsylvania Avenue, Suite 204A
Towson, Maryland 21204
S & S Automotive
7425 Harford Road
Towson, Maryland 21214
Mr. William P. Monk
22 W. Pennsylvania Avenue, Suite 204A
Towson, Maryland 21204
File

IN RE: PETITION FOR SPECIAL EXCEPTION
S/S Eastern Boulevard, 130' W of c/l of Marlyn Avenue (629 Eastern Boulevard) 15th Election District 5th Councilmanic District
Paul Goodman Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception to use the subject property for a Precision Tune service garage, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by C. Michael Magruder, Esquire, appeared and testified. Also appearing on behalf of the Petition were David Schwartz with S & S Automotive, the Lessee of the subject property and the corporation which operates a number of Precision Tune Franchises in the Baltimore Metropolitan area, and William P. Monk, an expert land planner. There were no Protestants.

Testimony indicated that the subject property, zoned B-L, was previously used as an Amoco Service Station and is currently occupied by a taxicab dispatch operation. The Petitioner proposes to operate a Precision Tune service garage out of the existing building. The only proposed alterations would include re-opening the three service bays, all of which would face Eastern Boulevard. The two existing entranceways, one fronting Eastern Boulevard and the other fronting Marlyn Avenue, will continue to access the site for ingress and egress. There would be no structural changes or additions to the present building, other than the facade change mentioned above. Since the entire lot is presently paved, there would be no excavation work planned. Although the State Highway Administration comments requested that the Eastern Boulevard access site be limited to ingress only the testimony as to the nature of the site and the minimal traffic

ZONING DESCRIPTION

BEGINNING on the South side of Eastern Boulevard, 80 feet wide, at a distance 130.00 feet West of the center line of Eastern Boulevard at its intersection with the center line of Marlyn Avenue and running on the South side of Eastern Boulevard the following courses and distances:

1. R=2420.78 feet, L=44.0 feet, CHD=South 62 degrees 22 minutes 29 seconds West 44 feet;
2. South 21 degrees 10 minutes 30 seconds East 144.20 feet;
3. North 68 degrees 49 minutes 30 seconds East 70.68 feet;
4. South 21 degrees 49 minutes 30 seconds West 3.96 feet;
5. North 33 degrees 20 minutes 30 seconds East 44.54 feet;
6. North 6 degrees 39 minutes 30 seconds West 59.11 feet;
7. R=78.00 feet L=141.68 feet CHD=North 64 degrees 46 minutes 34 seconds West 122.99 feet to the place of beginning. Containing 18,124 square feet in the fifteenth Election District.

Impact of the proposed operation suggested that no changes were necessary to the site plan as submitted.

Mr. Schwartz testified as to the nature of a Precision Tune franchise, the number of proposed employees, and the days and hours of operation. His testimony was that the operation would be considered highly successful if 25 to 30 vehicles were serviced daily.

It is clear that the Baltimore County Zoning Regulations (B.C.Z.R.) permit the use requested by the Petitioner in a B-L zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated in Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

WHEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15th day of February, 1988 that the use of the subject property as a Precision Tune service garage, in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Special Exception is hereby GRANTED, subject, however, to the following restrictions:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioner shall comply with the comments submitted by the Baltimore County Zoning Plans Advisory Committee, excepting that of the State Highway Administration, which are otherwise adopted in their entirety and made a part of this order.

3) Petitioner shall comply with all landscape requirements as set forth in the Baltimore County Landscaping Manual and shall provide landscape improvements to the site accordingly. A landscape plan shall be submitted for approval to the Office of Current Planning within 10 days of the date of this order.

J. Robert Haines
Zoning Commissioner of Baltimore County

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER
5/5 Eastern Blvd., 130' W of
C/L of Marilyn Ave. (829 Eastern Blvd.), 15th District
PAUL GOODMAN, Petitioner Case No. 88-251-X

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing date or other proceedings in this matter and of the passage of any preliminary or final Order.

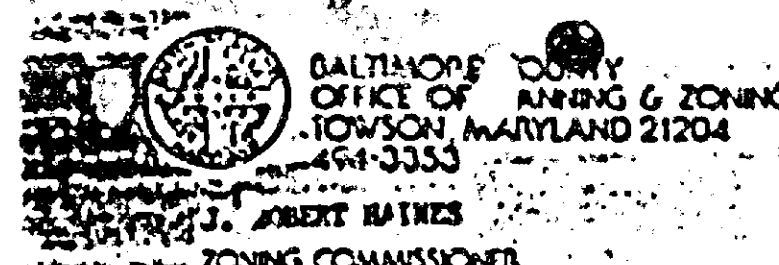
Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

DEC 5 1987
ZONING OFFICE

I HEREBY CERTIFY that on this 2nd day of December, 1987, a copy of the foregoing Entry of Appearance was mailed to C. Michael Magruder, Esquire, Suite 204A, 22 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman



C. Michael Magruder, Esquire
22 W. Pennsylvania Avenue, Suite 204A
Towson, Maryland 21204

RE: Petition for Special Exception
5/5 Eastern Boulevard, 130' W of C/L of Marilyn Avenue
(829 Eastern Boulevard)
15th Election District; 5th Councilmanic District
Paul Goodman - Petitioner
Case No. 88-251-X

Dear Mr. Magruder:

This is to advise you that \$60.13 is due for advertising and posting of the above property. This fee must be paid before an Order is issued.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Do not remove sign from property from the time it is placed by this office until the day of the hearing itself.

Please make the check payable to Baltimore County, Maryland, and remit to Zoning Office, Room 113, County Office Building, Towson, Maryland

BALTIMORE COUNTY, MARYLAND No. 45928

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 1/27/88 ACCOUNT 12-115-000

AMOUNT \$ 60.13

RECEIVED FROM Paul Goodman

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Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-2523

1/18/88

NOTICE OF HEARING
(NEW DATE)

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Special Hearing
130' W of the C/L of Marilyn Avenue
(829 Eastern Boulevard)
15th Election District
5th Councilmanic District
Paul Goodman - Petitioner
Case number: 88-251-X
Wednesday, January 27, 1988 at 1:30 p.m.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing.

BALTIMORE COUNTY, MARYLAND No. 41521

OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 8-25-87 ACCOUNT 120-615

AMOUNT \$ 100.00

RECEIVED FROM J. Robert Haines

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CERTIFICATE OF PUBLICATION

TOWSON, MD, Dec 17, 1987

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Dec 17, 1987.

THE JEFFERSONIAN,

Susan Shedd Shultz
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:
Petition for Special Exception
130' W of the C/L of Marilyn Avenue
(829 Eastern Boulevard)
15th Election District; 5th Councilmanic District
Paul Goodman - Petitioner
Case No. 88-251-X
Friday, January 8, 1988 at 9:00 a.m.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing.

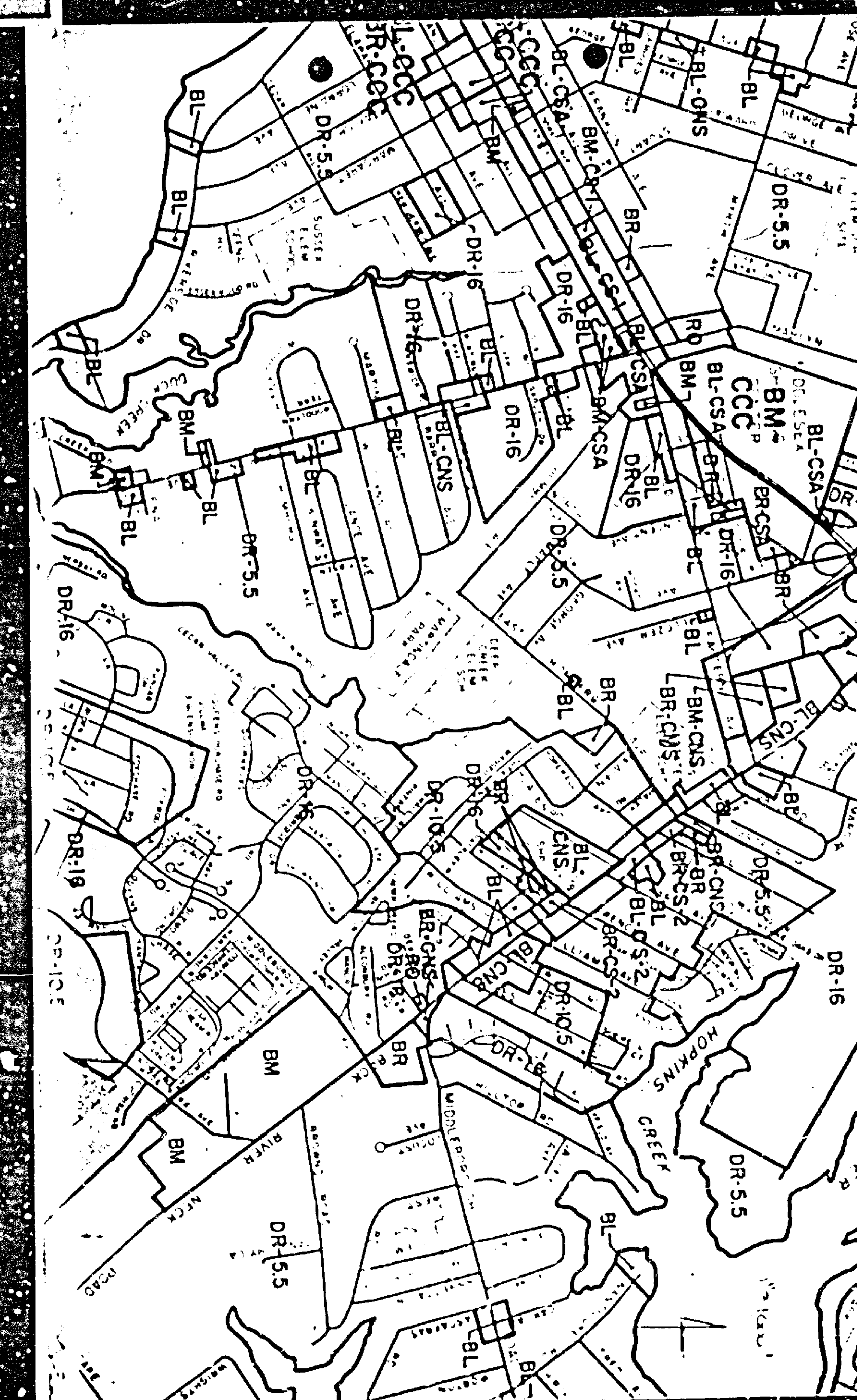
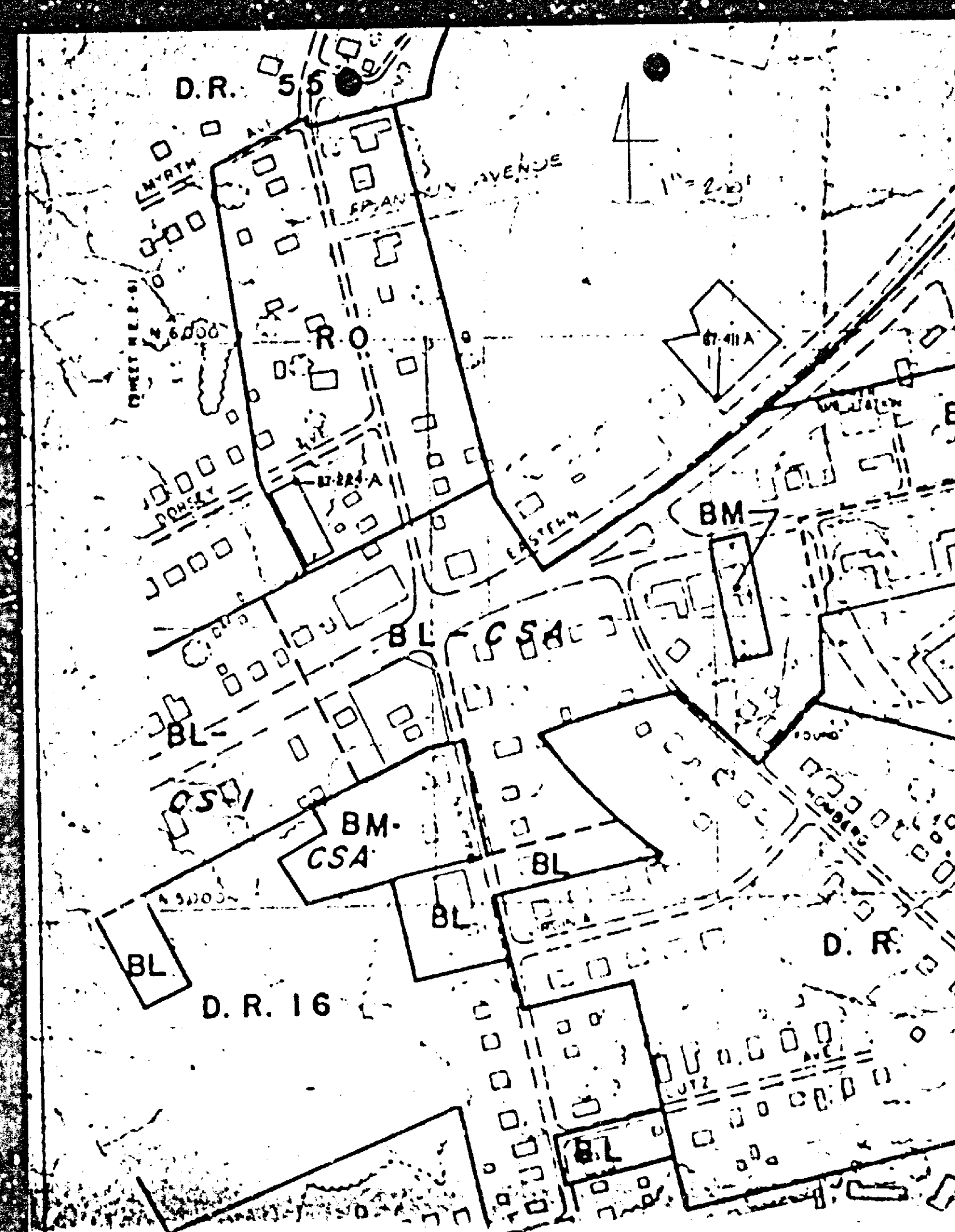
CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

Date of Posting: 1/18/88

District: 15th
Posted for: Special Exception
Petitioner: Paul Goodman
Location of property: 829 Eastern Boulevard, 130' W of Marilyn Ave.
Location of sign: 829 Eastern Boulevard, 130' W of Marilyn Ave.
Remarks: 1/18/88 - posted with new hearing
Posted by: M. Haines
Number of signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th
Posted for: Special Exception
Petitioner: Paul Goodman
Location of property: 829 Eastern Boulevard, 130' W of Marilyn Ave.
Location of sign: 829 Eastern Boulevard, 130' W of Marilyn Ave.
Remarks: 1/18/88 - posted with new hearing
Posted by: M. Haines
Number of signs: 1



[illegible]

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 23, 1987

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

C. Michael Magruder, Esquire
Suite 204A, 22 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No. 82 - Case No. 88-251-X
Petitioner: Paul Goodman
Petition for Special Exception

Dear Mr. Magruder:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer, Jr.
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:kbb

Enclosures

cc: Mr. Bill Monk
Loyola Federal Building
Suite 204A, 22 W. Pennsylvania Ave.
Towson, Maryland 21204

January 6, 1988

Mr. J. Robert Haines
Zoning Commissioner
Room 111 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Petition for Special Exception
S/S Eastern Blvd./Marlyn Avenue
Case No. 88-251-X

Dear Commissioner Haines:

This is to advise you that I am the property owner of the above location. I am familiar with the Petition for Special Exception pending before your office and filed by S & S Automotive, Inc. for the conversion of the site for a Precision Tune operation. The Petition has my full approval and support; and if there is anything I can do in furtherance of the Petition, I would be happy to comply.

Very truly yours,

Paul Goodman
Paul Goodman

PG:ma

LAW OFFICES
C. MICHAEL MAGRUDER
LOYOLA FEDERAL BUILDING
22 W. PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204
TELEPHONE (410) 883-8300

February 3, 1988

RECEIVED
FEB 5 1988
ZONING OFFICE

Mr. J. Robert Haines
Zoning Commissioner
Room 111 County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: S/S Eastern Blvd./Marlyn Avenue
Case No. 88-251-X

Dear Commissioner Haines:

Enclosed please find the Findings of Fact and Conclusions of Law in regard to the above captioned matter.

Very truly yours,

C. Michael Magruder
C. Michael Magruder

CMM/cgh
enc.

EASTERN BOULEVARD
(tbl.)
20' W. 20' W.

